

***Remarks***

Reconsideration of this application is respectfully requested. Claims 2-5 and 9 are pending in the application, with claims 2, 3, and 9 being the independent claims. Based on the following remarks, applicant respectfully requests that the examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 103***

Claims 2-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,283,761, to Joao (hereinafter "the '761 patent") in view of U.S. Patent Application Publication 2002/0035484 (hereinafter "the '484 publication"). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the '761 patent, in view of the '484 publication, and further in view of U.S. Patent Application Publication 2003/0093181 (hereinafter "the '181 publication"). Applicant respectfully disagrees with the examiner's position that each and every feature of the previously presented claims 2-10 is disclosed in the cited references, alone or in combination. However, applicant wishes to thank the examiner for calling applicant's representative on January 11, 2008, and further discussing his position during an examiner interview on February 26, 2008. The above amendments are presented in light of the examiner's suggestions, and are presented with the objective of expediting prosecution.

For example, the examiner expressed his concern that features presented in the arguments submitted on October 25, 2007, were not explicitly recited in the claims. As such, claim 2 has been amended to explicitly call for "if a denial is received then the computer system automatically commences an automatic feedback loop ... until a prescription fulfillment confirmation is received." Further, limitations have been added

to stress that the method is performed, and specifically the feedback loop is performed, "by the computer system at the physician's office." Similar features have been added to claims 3 and 9. Additionally, superfluous language has been removed from the claims to more clearly define the invention.

The '761 patent, the '484 publication, and the '181 publication, alone or in combination, do not teach or suggest an automatic feedback loop conducted by a computer system within the physician's office. Since such a feature is not taught or suggested, the claims should be allowable over the cited references. Further, the references do not teach a PMC card having a plurality of patient preferred pharmacies. The examiner is respectfully reminded that when considering the obviousness of the claims in light of the cited references, the invention must be considered as a whole. The '761 patent, the '484 publication, and the '181 publication, alone or in combination, do not teach or suggest a PMC including a plurality of preferred pharmacies, nor a system and method comprising a computer system that performs an automatic feedback loop until a preferred pharmacy returns a prescription fulfillment confirmation.

***Deficiencies of the '761 Patent***

The '761 patent teaches a system wherein a central processing computer serves as the "keeper" of the patient's healthcare information. In the system taught by the '761 patent, a healthcare provider accesses the central processing computer in order to obtain the patient's information. While the '761 patent does mention that a patient can be provided with an identification card including "any other information *described herein* as being pertinent to the respective patient, user, provider, payer, and/or intermediary," the '761 patent fails to disclose that such "pertinent" information includes a plurality of

patient preferred pharmacies. (emphasis added) (See the '761 patent, col. 39, ln 54-67, and col. 40, lns. 1-12.) Also, the '761 patent does not disclose an automatic feedback loop wherein a prescription fulfillment request is electronically transmitted to a first preferred pharmacy, a confirmation or denial is received, and if a denial is received the computer system automatically transmits a second prescription fulfillment request to a second preferred pharmacy.

***Deficiencies of the '484 Publication***

The '484 publication relates to systems and methods for a physician to generate a medication prescription. The '484 publication teaches a system wherein a physician uses a handheld terminal to tap and select a prescription. At the time of writing the prescription, the terminal has information regarding the patient's drug insurance benefits, as well as other patient medical history such as medications that the patient may currently be taking and any allergies. Using this information, the physician is able to provide the optimal patient prescription. The prescription is printed out to a printer connected to the terminal at the time of the prescribing so that one print-out is given to the patient and another fixed to the patient's chart. The prescription is printed in regular alphanumeric letters as well as encoded in a machine readable code, or encoded in a smart card so that when it is brought to the pharmacy, the prescription data are automatically entered, reducing human errors. (See the '484 publication, Abstract.)

The '484 publication, however, does not teach or suggest a system using a PMC having a plurality of preferred, or patient-specified, pharmacies. In paragraph [0047] of the '484 publication, there is provided an extensive list of data kept on the patient's smart card. It is noted that such list (and nowhere else in the '484 publication) does not teach

or suggest keeping information on a plurality of preferred, or patient-specified, pharmacies on the smart card. Considering the teachings provided in the '761 patent and the '484 patent, alone or in combination, it is clear that the combination of the '761 patent and the '484 patent does not make the claimed invention obvious.

***Deficiencies of the '181 Publication***

The '181 publication concerns dispensing systems, such as vending machines, for prescription drugs. The '181 publication teaches a prescription drug dispenser system including a remote dispenser, a prescription entry system, and a communications network. The remote dispenser transmits and receives information from the communications network and dispenses prescription drugs to the patient. The prescription entry system transmits and receives information from the communications network and provides an input system for the doctor to electronically enter individual prescriptions for each patient. The '181 publication, however, does not cure the deficiencies of the '761 patent and the '484 publication. The '181 publication, as argued above, does not teach or suggest a PMC having a plurality of preferred, or patient-specified, pharmacies. The '181 publication also fails to teach the claimed automatic feedback loop.

***Dependent Claims***

Claim 4 depends from and adds features to claim 3. Claim 5 depends from and adds features to claim 2. As such, claims 4 and 5 should be patentable for at least the same reasons as discussed above with respect to claims 2 and 3, respectively.

***Disclaimer***

The presented claims are allowable on their face, and for at least the reasons presented in this reply. As such, applicant wishes to disclaim all previously filed amendments and arguments.

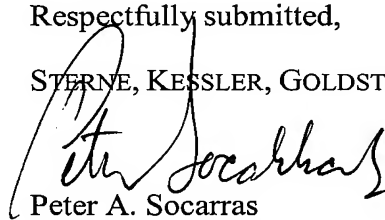
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding office action and, as such, the present application is in condition for allowance. If the examiner believes, for any reason, that personal communication will expedite prosecution of this application, the examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of these amendments and remarks are respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Peter A. Socarras", is written over the printed name.

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